

**REMARKS**

**Petition for Extension of Time Under 37 CFR 1.136(a)**

It is hereby requested that the term to respond to the Examiner's Action of July 31, 2008 be extended three months, from October 31, 2008 to February 2, 2009 (January 31, 2009 being a Saturday and February 1 being a Sunday).

The Commissioner is hereby authorized to charge the extension fee and any additional fees associated with this communication to Deposit Account No. 50-4364.

In the Office Action, the Examiner indicated that claims 1 through 13 are pending in the application and the Examiner rejected all of the claims.

**The §102 Rejection**

On page 2 of the Office Action, the Examiner rejected claims 1-13 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent Application Publication No. 2003/0001727 to Steinmark.

**The Present Invention**

An end-user enters time sensitive information into an application; this, for example, may be an entry (e.g. 'meeting', or 'lunch with Bob') against specific times in an agenda or calendar application. Then, a different application on the device utilizes that information to modify the device behavior appropriately. For example, assume the 'meeting' in the calendar application is listed to last between 10 am and 11 am; then, using the present invention, during that hour, the telephone application in the device (that enables telephone functions of the device to be

controlled ) can automatically be set to a 'silent' profile so that the device does not ring on an incoming call, but instead only vibrates.

**The Cited Prior Art Does Not Anticipate the Claimed Invention**

The MPEP and case law provide the following definition of anticipation for the purposes of 35 U.S.C. §102:

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." (*Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631 (Fed. Cir. 1987) M.P.E.P. §2131.

In paragraph 3 of the Office Action and regarding claim 1, the Examiner states that (paragraph 29, lines 10-20) of Steinmark teaches '*(b) a second application running on the device receiving data from the first application, the data relating to the time sensitive information*'. More specifically, the Examiner asserts that in Steinmark an alarm clock program can access the user's profile through a content provider. It seems therefore that the Examiner is referring to the 'alarm clock' of Steinmark as corresponding to the "first application" of claim 1 of the present invention. It seems the Examiner is referring to a user-requested alarm time provided to the alarm clock as corresponding to the time sensitive information of claim 1. Further, it seems that the Examiner is referring to the 'user's profile' as corresponding to the second application of claim 1. Applicant assumes the above interpretations of the Examiner's position with respect to Steinmark in responding to the Office Action.

The Examiner then states that (paragraph 20, lines 16-19) of Steinmark discloses '*the second application then automatically changing the behavior of the device appropriately in dependence on the data*'. The Applicant disagrees with the Examiner, as nowhere in the cited section does it state that the user profile (being the second application) automatically changes the behavior of the device, and certainly not in dependence on the data that relates back to the time-sensitive information entered by the end-user. Moreover, the cited paragraph merely states that if an unexpected condition occurs that either delays or advances the user-requested alarm time, a corresponding adjusted alarm time is created that is different from the user-requested alarm time. Thus, even if the delay or advance of the alarm time were considered to be "automatically changing the behavior of the device" (which applicant believes it is not), the delay/advance is dependent on "an unexpected condition" and not on data related back to the time-sensitive information (the alarm time) entered by the end-user.

Translating the above example to the present invention, for Steinmark to anticipate the claimed invention, the user profile application (being the second application) must operate to change device behavior in dependence on the input by the use of the user-requested alarm time. For example, to change the device behavior, if Steinmark worked like the present claimed invention, the user-profile application of Steinmark might change the device profile from a silent profile to an audible profile at the user-requested alarm time so that the alarm is audible. This example corresponds with those described on paragraphs 12 and 13 of the present application. However, Steinmark provides no teaching whereby the second application automatically changes the behavior of the device appropriately in dependence on the data that corresponds to the time-sensitive information entered by the end-user; instead,

Steinmark reacts to an unexpected condition; unrelated to entry of anything by the user. Therefore, the Applicant believes claims 1 and 13 are novel over Steinmark for at least these reasons.

In addition to the above, amended claims 1 and 13 include the addition of the phrase '*and not in dependence on automatically acquired context information*'. Support for this amendment can be found in the description as filed at page 2, lines 1-10.

The Applicant considers the invention of the present application to be wholly different from the disclosure of Steinmark. In particular, the disclosure of Steinmark relies on determining an adjusted alarm time in dependence on unexpected condition information. Importantly, the unexpected condition information is obtained from a content provider and not the user (as stated in claim 1 of Steinmark and throughout its description).

Firstly, the content provider of Steinmark is external to the user station (100, 101 or 102). This is supported on paragraph 30 of Steinmark wherein it is stated that the user station may be connected to the content provider via a wired link (e.g. a telephone line), a wireless link or the internet. Secondly, paragraph 20 of Steinmark states that exemplary unexpected conditions include, traffic condition, weather condition and the arrival and departure time of airplanes and other vehicles such as a bus and a train. Therefore, it is clear that the user station of Steinmark is made aware of its environment or context by the external content provider. As such, the user station of Steinmark is a context aware device.

On page 2 of the present application, it is stated that the present invention does not deal with context aware devices. Instead, the present application deals with the situation in which an end-user manually inputs context type information into the device. Clearly, this is in contrast to the disclosure of Steinmark, wherein the device receives context type information from the external content provider.

In view of the above, there is a fundamental difference between the disclosure of Steinmark and the present invention. To clarify this fundamental difference, claim 1 and claim 13 are amended as described above. The Applicant believes that the claimed invention is novel over Steinmark for at least these reasons.

Regarding benefits of the present invention, as stated above, the present invention can automatically modify device behavior without automatically acquiring context information. This functionality represents a significant advantage over Steinmark. More specifically, the present invention is much simpler as there is no need for a context provider or a corresponding communications link. Further, the present invention is therefore significantly cheaper to implement than Steinmark. The Applicant believes that the claimed invention is inventive over Steinmark for at least these reasons.

**Conclusion**

The present invention is not taught or suggested by the prior art. Accordingly, the Examiner is respectfully requested to reconsider and withdraw the rejection of the claims. An early Notice of Allowance is earnestly solicited.

The Commissioner is hereby authorized to charge any fees associated with this communication to applicant's Deposit Account No. 50-4364.

Respectfully submitted

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Date

/Mark D. Simpson/  
Mark D. Simpson, Esquire  
Registration No. 32,942

SAUL EWING LLP  
Centre Square West  
1500 Market Street, 38<sup>th</sup> Floor  
Philadelphia, PA 19102-2189  
Telephone: 215 972 7880  
Facsimile: 215 972 4169  
Email: MSimpson@saull.com